IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 9259 of 2004

Between:

1 S. Krishna Mohan Rao, S/o. S. Yellaiah,

R/o. 27-16-19/8, Sri Krishna Nagar Colony, Safilguda,

Malkajgiri, R. R. District.
2 V. Venkatesh, S/o. Late Yellaiah,
R/o. 10-29, Prem Vijayanagar Colony, Mirzalguda Village,

Malkajgiri Mandal, R.R. District.

..... PETITIONERS

AND

1 The State of Andhra Pradesh Rep. by its Principal Secretary to

Government Revenue Department, Secretariat, Saifabad,

Hyderabad.
2 The District Collector, Ranga Reddy District.
3 The Land Acquisition Officer Hyderabad Urban Developpment

Authority, Begumpet, Hyderabad.
4 The Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy

District.
5 Malkajgiri Municipality, rep. by its Commissioner, Malkajgiri,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in seeking to take possession of land beyond 37 guntas in S.No. 103/1 P and 103/2 and beyond 7 guntas in S.No. 103/3 of Malkajgiri Village, Malkajgiri Mandal, Ranga Reddy District as notified in Form 7 of Notice under section 9(3) and 10 of Land Acquisition Act

dated 29-06-2001 and 21-01-2004 as illegal, arbitrary and issue consequential direction to the Respondents not to dispossess the petitioners or their alienees except through process of law

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondent No.: GP FOR REVENUE

Counsel for the respondent No.5: M.Vishwanadhan

The Court at the admission stage made the following O R D E R:

The case of the petitioners is that the respondents acquired the land of the petitioners' in Sy.Nos.103/1P and 103/3 situated at Malkajgiri Village, Malkajgiri Mandal, Ranga Reddy District beyond the area notified in Form No.VII notices issued under Section 9(3) and 10 of the Land Acquisition Act, 1894, (for short "the Act") dated 29-06-2001 and 21-01-2004, for construction of Sewerage Treatment Plants at Safilguda Tank, Nadimicheruvu and it is further stated that the respondents acquired the land without demarcating the same. Hence, they filed the present writ petition to declare the action of the respondents in acquiring more land than what was notified, as illegal and arbitrary.

In the counter filed by respondents 2 and 3, it is categorically stated that at the first instance an extent of Ac.0.31gts of land was acquired for construction of Sewerage Treatment Plant (STP) at Safilguda Tank, Nadimicheruvu and at the second instance an extent of Ac.0.07 gts of land was acquired for construction of additional STP after issuing notices to the petitioners as contemplated under Section 9(3) (10) of the Act and the contention of the petitioners that at the first instance respondents acquired Ac.0.43 gts of land is not correct. It is stated that the petitioners have not raised any objection regarding the acquisition of land and the land acquired for the proposed STPs was demarcated by the Surveyors. It is further stated that the finalisation of ownership on plotted area and payment of compensation to the persons concerned will be decided after completion of the award enquiry and the property was taken possession on 27-03-2004.

In view of the facts and circumstances of the case, if the petitioners feel aggrieved by the award to be passed by the Land Acquisition Officer including the true area of the land acquired, it is always open for the petitioners to make a reference under Section 18 of the Act for enhancement of the compensation including the true area of the land which was acquired.

With the above observation, the writ petition is disposed of.

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21-07-2004

vrn

To

1 The Principal Secretary to Government Revenue Department,

State of Andhra Pradesh Secretariat, Saifabad, Hyderabad.
2 The District Collector, Ranga Reddy District.
3 The Land Acquisition Officer, Hyderabad Urban Developpment

Authority, Begumpet, Hyderabad.
4 The Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy

District.
5 The Commissioner, Malkajgiri Municipality, Malkajgiri,
Ranga Reddy District.

6 Two C.Cs to the G.P for Revenue, High Court Buildings, A.P.,

Hyderabad. (OUT)

7 Two C.D. copies